

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tracy Proctor,

Case No. 20-CV-2472 (JRT/DTS)

Plaintiff,

STIPULATION

vs.

Unum Life Insurance Company of America,

Defendant.

The parties, through their undersigned counsel, stipulate and agree as follows:

1. Dispositive motions are due to be filed with the Court on January 3, 2022.
2. Cross motions will be filed for a determination on the administrative record pursuant to Fed. R. Civ. Pro. 39(a)(1) and 52(a)(1).
3. The parties' Cross-Motions seek a determination as to whether Defendant wrongfully terminated Plaintiff's LTD benefits; whether Plaintiff has met her burden of proof, by a preponderance of the evidence, that she is entitled to payment of long-term disability benefits past the date payment of benefits were terminated; and what remedy is appropriate.
4. The standard of review is *de novo*.
5. The evidence to be relied upon is the Defendant's administrative record (the parameters of which will be determined by the Court) without reference to Fed. R. Civ. Pro. 56 motion standards.
6. The briefing schedule shall be:

Plaintiff's and Defendant's principal briefs due January 3, 2022

Plaintiff's and Defendant's responsive briefs due February 2, 2022

7. The 12,000-word restrictions in Local Rule 7.1 does not apply to the motion papers submitted.

Dated: January 3, 2022

MESSERLI & KRAMER P.A.

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ATTORNEYS FOR DEFENDANT

Dated: January 3, 2022

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